

## REMARKS

Claims 1-29 were pending in this application. All claims were rejected. Claims 1, 8, 11, 12, 13, 19, 20, 21, 28 and 29 were amended herein. Claims 9, 10, 17, 18, 26 and 27 have been canceled. Reconsideration of the rejections of all pending claims is requested.

### **I. Rejection of Claims 1-9, 11-17, 19-26, and 28-29 Under 35 U.S.C. §103(a)**

Claims 1-9, 11-17, 19-26, and 28-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ahearn (U.S. 5,926,677) in view of Garg (6,327,677).

Claim 1 has been amended to include the limitations of claim 10, which has been cancelled herein. Thus, claim 1 now includes elements that were not rejected under the Ahearn and Garg combination, which makes this rejection moot. The rejection of claim 1 is addressed below in reference to the rejection of claim 10. Likewise, the rejections of the claims depending from claim 1 (claims 2-9, 11, and 12) are moot.

Claim 13 has been amended to include the limitations of claim 18, which has been cancelled herein. As with claim 1, claim 13 now includes elements that were not rejected under the Ahearn and Garg combination, which makes this rejection moot. The rejection of claim 13 is addressed below in reference to the rejection of claim 18. Likewise, the rejections of the claims depending from claim 13 (claims 14-17 and 20) are moot.

Claim 21 has been amended to include the limitations of claim 27, which has been cancelled herein. As with claims 1 and 13, claim 21 now includes elements that were not rejected under the Ahearn and Garg combination, which makes this rejection moot. The rejection of claim 21 is addressed below in reference to the rejection of claim 27. Likewise, the rejections of the claims depending from claim 21 (claims 22-25, 28, and 29) are moot.

## **II. Rejection of Claims 10, 18, and 27 Under 35 U.S.C. §103(a)**

Claims 10, 18, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ahearn (U.S. 5,926,677) and Garg (6,327,677) and in view of Preissman (U.S. 6,684,237).

### **CLAIM 10**

As set forth above, claim 1 was amended to include the elements of claim 10, which has been cancelled herein. Therefore, the rejection of claim 10 will be rebutted based on claim 1, which is stated as follows for convenience:

A method for determining the status of paths between a start node and an end node of a network, the network comprising at least one path between said start node and said end node, said at least one path comprising at least one connector, said method comprising:

- receiving information corresponding to the start node and the end node;

- receiving information corresponding to a type of path of interest;
- receiving information corresponding to a type of connector of interest;

- determining a path between the start node and the end node based upon the type of path of interest and the type of connector of interest;

- identifying at least one connector in said path, said at least one connector having a data storage device associated therewith;

- receiving data representative of available data storage space from said at least one connector;

- comparing said data to a predetermined value; and

- providing an indication if said data is less than said predetermined value.

The rejection of claim 10 relies on the combination of three references. The applicants contend that there is no motivation for this combination.

The MPEP §2143 cites In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991), which states:

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

Therefore, the prior art must teach or suggest the claimed combination. This concept is reiterated in the MPEP 2143.01, which cites In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) and states:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

Therefore, the prior art must suggest the desirability of the combination, which the Applicant has not found in the prior art. For example, Preissman is related to enabling and disabling interfaces associated with routers. Ahearn is related to a method and apparatus for viewing a configuration of a computer network by polling a plurality of switches and routers present in the network. Garg is related to a system that monitors a network environment. There is no suggestion of this combination in the references. Accordingly, the combination is not proper for a rejection under 35 U.S.C. §103(a).

In addition to the lack of a motivation for the combination, Preissman does not disclose "receiving data representative of available data storage space from said at least one connector" as claimed in claim 1. Rather, the portion of Preissman cited in the office action discloses "determining whether an available amount of a first storage area within the memory resources is greater than a predefined memory parameter." The element of receiving (or transmitting) the available amount of

storage area is not disclosed. Therefore, Preissman cannot be used to render claim 1 obvious.

Based on the foregoing, the applicants request reconsideration of the rejection.

#### CLAIMS 18 AND 27

As set forth above, claim 13 was amended to include the elements of claim 18, which has been cancelled herein. Therefore, the rejection of claim 18 is rebutted based on claim 13. Likewise claim 21 was amended to include the elements of claim 27, which has been cancelled. Therefore, the rejection of claim 27 is rebutted based on claim 21.

Claims 18 and 27 were rejected on the same grounds as claim 10. Therefore, the applicants refer the rebuttals to the rejection of claim 10 and restate that there is no motivation for the suggested combination.

Based on the foregoing, the applicants request reconsideration of the rejections.

#### DEPENDENT CLAIMS

The claims depending from the above-described independent claims are deemed allowable by way of their dependence and for other reasons. Therefore, reconsideration of the rejections is requested.

Respectfully submitted,

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